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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 DARIUS BUTLER,

12 Petitioner,

13 v.

14 W. L. MONTGOMERY, Warden, et al.,

15 Respondents.


Civil No. 16cv0039-GPC (MDD)

**ORDER GRANTING APPLICATION
TO PROCEED IN FORMA PAUPERIS**

16 Petitioner, a state prisoner proceeding pro se, has submitted a Petition for Writ of Habeas
17 Corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis.
18 Petitioner has no funds on account at the California correctional institution in which he is
19 presently confined. Petitioner cannot afford the \$5.00 filing fee. Thus, the Court **GRANTS**
20 Petitioner's application to proceed in forma pauperis, and allows Petitioner to prosecute the
21 above-referenced action as a poor person without being required to prepay fees or costs and
22 without being required to post security. The Clerk of the Court shall file the Petition for Writ
23 of Habeas Corpus without prepayment of the filing fee.

24 **IT IS SO ORDERED.**
25

26 DATED: January 11, 2016

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28 HON. GONZALO P. CURIEL
United States District Judge